Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1. (Withdrawn and Currently Amended) A method for treating a patient suffering from a cancerous disease which expresses an antigenic moiety on its cell surface characterized as being bound by the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621 or antigen binding fragments thereof comprising:

~~administering to said patient~~ providing said isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621 or antigen binding fragments thereof ~~an anti-cancer antibody or fragment thereof produced in accordance with a method for the production of anti-cancer antibodies which are useful in treating a cancerous disease, said antibody or fragment thereof~~ characterized as being cytotoxic against cells of [[a]] said cancerous disease ~~tissue~~, and being essentially benign to non-cancerous cells;

~~wherein said~~ placing said isolated monoclonal antibody or antigen binding fragment thereof ~~is placed~~ in admixture with a

requisite amount of a pharmaceutically acceptable adjuvant and ~~is administered in~~ administering an amount of said isolated monoclonal antibody or antigen binding fragment effective to mediate treatment of said cancerous disease;

~~said antibody being an~~ whereby said isolated monoclonal antibody or antigen binding fragment thereof [[which]] binds to [[an]] said antigenic moiety expressed by said cancerous tissue, resulting in cell cytotoxicity ~~said antigenic moiety characterized as being bound by an antibody having the identifying characteristics of a monoclonal antibody encoded by a clone deposited with the ATCC as PTA-4621~~.

Claim 2. (Withdrawn and Currently Amended) The method for treating a patient suffering from a cancerous disease in accordance with claim 1, wherein said antibody or antigen binding fragment thereof is humanized.

Claim 3. (Withdrawn and Currently Amended) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 comprising:

conjugating said antibody or antigen binding fragment thereof with a member selected from the group consisting of

toxins, enzymes, radioactive compounds, and hematogenous cells; and

administering said conjugated antibodies or fragments thereof to said patient;

wherein said conjugated antibodies or fragments thereof are placed in admixture with a requisite amount of a pharmaceutically acceptable adjuvant and are administered in an amount effective to mediate treatment of said cancerous disease.

Claim 4. (Withdrawn and Currently Amended) The method of claim 3, wherein said antibody or antigen binding fragment thereof is humanized.

Claim 5. (Withdrawn and Currently Amended) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or antigen binding fragment thereof is mediated through antibody dependent cellular toxicity.

Claim 6. (Withdrawn and Currently Amended) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or antigen binding fragment thereof is mediated through complement dependent cellular toxicity.

Claim 7. (Withdrawn and Currently Amended) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or antigen binding fragment thereof is mediated through catalyzing hydrolysis of cellular chemical bonds.

Claim 8. (Withdrawn and Currently Amended) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or antigen binding fragment thereof is mediated through producing an immune response against putative cancer antigens residing on tumor cells.

Claim 9. (Withdrawn and Currently Amended) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or antigen binding fragment thereof is mediated through targeting of cell membrane proteins to interfere with their function.

Claim 10. (Withdrawn and Currently Amended) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

the cytotoxicity of said antibody or antigen binding fragment thereof is mediated through production of a conformational change in a cellular protein effective to produce a signal to initiate cell-killing.

Claim 11. (Withdrawn and Currently Amended) The method for treating a patient suffering from a cancerous disease in accordance with claim 1 wherein:

said ~~method of production of~~ anti-cancer antibodies are produced by a method of production which utilizes a tissue sample containing cancerous and non-cancerous cells obtained from a particular individual.

Claims 12-22. - Cancelled

Claim 23. (Currently Amended) A process for mediating cytotoxicity of a human tumor cell which expresses a CD44 antigenic moiety on the cell surface, characterized as being bound by the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621 or antigen binding fragments thereof comprising:

contacting said human tumor cell with [[an]] said isolated monoclonal antibody or antigen binding fragment thereof, which enables binding of said isolated monoclonal antibody or antigen binding fragments thereof with said expressed CD44 antigenic moiety; ~~said antibody or antigen binding fragment thereof being an isolated monoclonal antibody or antigen binding fragment thereof which binds to said expressed CD44 antigenic moiety, said antigenic moiety characterized as being bound by an antibody having the identifying characteristics of a monoclonal antibody encoded by a clone deposited with the ATCC as PTA-4621,~~ whereby cell cytotoxicity occurs as a result of said binding.

Claim 24. (Previously Presented) The process of claim 23 wherein said isolated monoclonal antibody or antigen binding fragments thereof are humanized.

Claim 25. (Previously Presented) The process of claim 23 wherein said isolated monoclonal antibody or antigen binding fragments thereof are conjugated with a member selected from the group consisting of cytotoxic moieties, enzymes, radioactive compounds, and hematogenous cells.

Claim 26. (Previously Presented) The process of claim 23 wherein said isolated monoclonal antibody or antigen binding fragments thereof are chimerized.

Claim 27. (Previously Presented) The process of claim 23 wherein said isolated monoclonal antibody or antigen binding fragments thereof are murine.

Claim 28. (Previously Presented) The process of claim 23 wherein the human tumor cell is obtained from a tumor originating in a tissue selected from the group consisting of colon, ovarian, lung, and breast tissue.

Claim 29. (Withdrawn and Currently Amended) A binding assay to determine a presence of cells which express a CD44 antigenic moiety which specifically binds to [[an]] the isolated monoclonal antibody ~~encoded by the clone~~ produced by the hybridoma deposited with the ATCC as PTA-4621, or an antigen binding fragment thereof comprising:

providing a cell sample;

providing [[an]] the isolated monoclonal antibody~~ or antigen binding fragment thereof, said antibody or antigen binding fragment thereof being an isolated monoclonal antibody or antigen binding fragment thereof which binds to said expressed CD44 antigenic moiety, said antigenic moiety characterized as being bound by an antibody having the identifying characteristics of a monoclonal antibody encoded by the clone~~ produced by the hybridoma deposited with the ATCC as PTA-4621 or an antigen binding fragment thereof;

contacting said isolated monoclonal antibody or antigen binding fragment thereof with said cell sample; and

determining binding of said isolated monoclonal antibody or antigen binding fragment thereof with said cell sample;

whereby the presence of cells which express a CD44 antigenic moiety which specifically binds to [[an]] said isolated

monoclonal antibody or antigen binding fragment thereof is determined.

Claim 30. (Withdrawn) The binding assay of claim 29 wherein the cell sample is obtained from a tumor originating in a tissue selected from the group consisting of colon, ovarian, lung, and breast tissue.

Claim 31. (Withdrawn and Currently Amended) A process of isolating or screening for cells in a sample which express a CD44 antigenic moiety which specifically binds to [[an]] the isolated monoclonal antibody produced by the hybridoma deposited with the ATCC as PTA-4621 or antigen binding fragments thereof~~, said antigenic moiety characterized as being bound by an antibody having the identifying characteristics of a monoclonal antibody encoded by the clone deposited with the ATCC as PTA-4621~~ comprising:

providing a cell sample;

providing [[an]] the isolated monoclonal antibody ~~or antigen binding fragment thereof, said antibody or antigen binding fragment thereof being an isolated monoclonal antibody or antigen binding fragment thereof which binds to said expressed CD44~~

~~antigenic moiety, said antigenic moiety characterized as being bound by an antibody having the identifying characteristics of a monoclonal antibody encoded by the clone~~ produced by the hybridoma deposited with the ATCC as PTA-4621 or antigen binding fragments thereof;

contacting said isolated monoclonal antibody or antigen binding fragment thereof with said cell sample; and

determining binding of said isolated monoclonal antibody or antigen binding fragment thereof with said cell sample;

whereby said cells which express a CD44 antigenic moiety which specifically binds to [[an]] said isolated monoclonal antibody ~~encoded~~ produced by the [[clone]] hybridoma deposited with the ATCC as PTA-4621 or antigen binding fragments thereof are isolated by said binding and their presence in said cell sample is confirmed.

Claim 32. (Withdrawn) The process of claim 31 wherein the cell sample is obtained from a tumor originating in a tissue selected from the group consisting of colon, ovarian, lung, and breast tissue.

Claim 33. (Withdrawn and Currently Amended) A method of extending survival and delaying disease progression by treating a human tumor in a mammal, wherein said tumor expresses an antigenic moiety which specifically binds to [[a]] the monoclonal antibody ~~or antigen binding fragment thereof which has the identifying characteristics of a monoclonal antibody encoded by a clone~~ produced by the hybridoma deposited with the ATCC as PTA-4621 comprising administering to said mammal said monoclonal antibody or antigen binding fragment thereof in an amount effective to reduce said mammal's tumor burden, whereby disease progression is delayed and survival is extended.

Claim 34. (Withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof is conjugated to a cytotoxic moiety.

Claim 35. (Withdrawn) The method of claim 34 wherein said cytotoxic moiety is a radioactive isotope.

Claim 36. (Withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof activates complement.

Claim 37. (Withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof mediates antibody dependent cellular cytotoxicity.

Claim 38. (Withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof is a murine antibody.

Claim 39. (Withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof is a humanized antibody.

Claim 40. (Withdrawn) The method of claim 33 wherein said monoclonal antibody or antigen binding fragment thereof is a chimerized antibody.

Claim 41. (New) The method for treating a patient suffering from a cancerous disease in accordance with claim 1, wherein said antibody or antigen binding fragment thereof is chimerized.

Claim 42. (New) The method of claim 3, wherein said antibody or antigen binding fragment thereof is chimerized.

Claim 43. (New) The binding assay of claim 29 wherein said monoclonal antibody or antigen binding fragment thereof is a murine antibody.

Claim 44. (New) The binding assay of claim 29 wherein said monoclonal antibody or antigen binding fragment thereof is a humanized antibody.

Claim 45. (New) The binding assay of claim 29 wherein said monoclonal antibody or antigen binding fragment thereof is a chimerized antibody.

Claim 46. (New) The process of claim 31 wherein said monoclonal antibody or antigen binding fragment thereof is a murine antibody.

Claim 47. (New) The process of claim 31 wherein said monoclonal antibody or antigen binding fragment thereof is a humanized antibody.

Claim 48. (New) The process of claim 31 wherein said monoclonal antibody or antigen binding fragment thereof is a chimerized antibody.